

**Board of Registration of Podiatry
1000 Washington Street, Boston, MA 02118
Minutes of September 13, 2016 Public Meeting**

Board Members Present:

Dr. LeRoy Kelley, Chair
Dr. Raymond Murano, Secretary
Dr. Bruce Bonnell, Member
Dr. Kenneth Leavitt, Member

Administrative Staff Present:

Michael Hawley, Executive Director
Sheila York, Board Counsel
Ann Driscoll, RN, Investigative Supervisor
Daquiri Purifoy, Board Administrator

Members of the Public Present:

Mark Molloy, Lynch Associates
Caroline Gauthier, MPMS

I. Housekeeping Matters and Evacuation Procedures

Dr. Kelley, the Chair, observed a quorum of board members to be present and opened the meeting at 10:08am.

Executive Director, Michael Hawley informed attendees of the evacuation procedures and location of the restrooms.

II. Vote on Minutes:

Dr. Murano moved to accept the minutes from the June 14, 2016 meeting. Dr. Bonnell seconded the motion. The motion passed unanimously.

III. Investigative Session - Closed Session under MGL ch. 112, Section 65C:

Dr. Murano moved to suspend the public meeting and enter closed session under G.L. c. 112, s. 65C at 10:03 am for the purpose of discussing the following investigative matters: PD-16-008, PD-16-007 and renewal questionnaire of (PC). Motion seconded by Dr. Kelley. Motion Passed unanimously

At the end of the closed session (10:15), the open meeting resumed.

During the closed session, the Board voted to take the following actions:

- PD-16-008 – Dismiss.
- PD-16-007 – Dismiss
- Renewal Questionnaire - PC: - Board Counsel to research and send letter to licensee.

IV. New Items:

1. Executive Director, Michael Hawley's Report to the Board:

- (a) E-Licensing Update – The Executive director reported the new system was implemented on August 29th. Licensees will be able to submit their renewals on-line. The system will also hold limited license data. New applications for limited and full licensure will still be handled by PCS. With regard to Podiatry licensure, the new system appears to function properly, although some of the features will require some adjustment on the part of user.

2. Board Counsel, Sheila York's Report to the Board:

- (a) Update of Pending Legal Matters
Board Counsel reported that Division senior management requested information on licensure procedures and additional costs associated with foreign trained applicants. The Board confirmed Board counsel's understanding of the process and raised the issue of reciprocal licensure where the out of state license is based on graduation from an out of country podiatry college. The Board agreed to continue the reciprocity discussion as part of the discussion of proposed regulation changes.
- (b) Review Comments received on proposed changes to 249 CMR:
Board Counsel reviewed the proposed changes to the board's regulations in light of comments received from the public during the formal hearing and public comment period. Only one oral and one written comment was received at this stage of the process and both were on behalf of the Mass. Podiatric Medical Society (MPMS).

Board Counsel discussed each proposed change with the Board along with any corresponding comment. With regard to 3.01(2) Licensure by Reciprocity, the Board added the phrase "in the opinion of the Board" to make clear that equivalency standards would be determined by the Board, which is consistent with the language in the relevant statute, G.L. c. 112, s. 16. The Board discussed that this language would be useful in the hypothetical discussed previously in which a foreign educated podiatrist who was licensed in another state sought licensure in Massachusetts via reciprocity.

Board Counsel summarized the proposed reinstatement requirements and the Board agreed to go forward with the proposed language.

The Board discussed the MPMS's recommendation that the Continuing Education regulation, Section 3.05, be further amended to state that courses

approved by the American Podiatric Medical Assoc. and the Council of Podiatric Medical Education are acceptable to the Board. The Board members agreed to make this change.

Dr. Leavitt noted that further information may be necessary concerning which courses are acceptable Opioid education classes. Board Counsel advised that guidance could be provided through a Board policy which could be discussed at the next Board meeting.

The Board agreed with the MPMS's recommendation to include the term "other" prior to the word physician in Section 4.01.

The Board discussed the MPMS's recommendation for the Board to reconsider the proposed change in Section 6.02 which would strike the requirement that podiatrists post their current certificates of registration in their office. Dr. Kelley stated this requirement was not necessary to protect the public, especially where licensure may be verified online, and failure to post a license should not be grounds for discipline against a podiatrist's license. The Chair recognized Attorney Malloy representing the MPMS who wished to speak on this issue. Attorney Malloy stated that he and the MPMS saw value in the posting requirement in that it: notified the public that the podiatrist was appropriately registered by the Board, was helpful to patients who do not use online database to check licensure status, and that it imposed a very minor burden on the podiatrist. The Board decided to go forward with deleting the posting requirement.

The Board agreed to add a requirement updating the name of the accrediting body in 249 CMR 6.00. The Board agreed to go forward on all other proposed changes in Section 6.00.

- (c) Vote on promulgation of amendments to CMR

Dr. Kelley moved to direct Board Counsel to take the steps necessary to promulgate the proposed regulations, as amended per the discussion above, as final Board regulations. Dr. Bonnell seconded the motion. Motion passed unanimously. Board Counsel explained that the regulations would not be effective until published in the State Registrar. She will inform the Board when the regulations are in effect.

3. Compliance Monitoring:

- (a) The Board considered the request of Dr. Richard Manolian for approval of the online course, "Documentation Essentials: Using Documentation to Support

and Defend your Good Care” in partial satisfaction of his consent agreement pursuant to complaint PD-16-005.

Dr. Kelley moved to approve the request for approval of the online course, “Documentation Essentials: Using Documentation to Support and Defend your Good Care” in partial satisfaction of his consent agreement pursuant to complaint PD-16-005. Dr. Murano seconded. The motion passed unanimously.

4. Open Session for Topics not reasonably anticipated by the Chair 48 hours in advance of meeting.

- (a) The Board discussed a request by Harry P. Schneider of the American College of Foot and Ankle Surgeons to approve a complication seminar for 8 CME credits in Massachusetts.

Dr. Murano moved to approve the Complications Seminar to be held by Division 8 of the American College of Foot and Ankle Surgeons on January 28, 2017 for 8 CME credits in Massachusetts. Dr. Bonnell seconded the motion. The motion passed unanimously.

- (b) The Board discussed a request by Dafny Suazo of the Mount Auburn Hospital podiatric residency program to approve the program of the 3rd annual regional Jingle Bones educational conference, to be held in December of 2016 for CME credits as follows:

- Friday December 9 (5 hours, 40 minutes)
- Saturday December 10 (8 hours, 20 minutes)
- Sunday December 11 (4 hours, 30 minutes)
- Total Lecture and Hands on workshop hours: 18 hours

Dr. Murano moved to approve the Jingle Bones conference for Massachusetts CME credits as follows:

- Friday December 9 (5 hours, 40 minutes)
- Saturday December 10 (8 hours, 20 minutes)
- Sunday December 11 (4 hours, 30 minutes)
- Total Lecture and Hands on workshop hours: 18 hours

Dr. Bonnell seconded the motion. The motion passed unanimously.

- (c) The Board discussed the licensure application of Dr. Allen Clark. The applicant reported on his application that a medical malpractice claim had been brought against him in his practice in California. The Board reviewed the information provided by the applicant regarding the claim and asked him some questions regarding the procedures he followed during the treatment that resulted in the claim. Board Counsel noted that the allegations were still pending and that the Board was not in a position to render any professional opinion on the alleged allegations. The Board was reviewing the information available at this time

only for the limited purpose of determining whether the applicant met the minimum standards for licensure in the Commonwealth.

Dr. Murano moved to approve this applicant to continue with the licensing process. Dr. Leavitt seconded the motion. The motion passed unanimously.

The Board advised the applicant that in the event that he becomes licensed, to review the regulations regarding his reporting obligations to the board.

A motion to adjourn the meeting at 11:13am was made by Dr. Leavitt. The motion was seconded by Dr. Murano. The motion passed unanimously.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael Hawley". The signature is fluid and cursive, with a large, sweeping flourish at the end of the name.

Michael Hawley
Executive Director

List of Documents Used at the Public Meeting:

1. Agenda dated September 13, 2016
2. Draft of minutes dated June 14, 2016
3. Letter from attorney, Stephanie Lempp, requesting approval for online course in satisfaction of Consent Agreement for PD-16-005
4. Emails from PCS, Sheila York, and Michael Hawley regarding application of Allen Clark
5. Request for CME approval by American College of Foot and Ankle Surgeons, dated August 22, 2016
6. Request for CME approval by Mount Auburn Hospital podiatric residency program, dated September 9, 2016
7. Draft amendments to 249 CMR

8. Letter from Robert J. O’Leary, DPM President of the Mass Podiatric Medical Society, dated July 1, 2016 re Comments on Proposed changes to 249 CMR